

REMARKS

Applicant has amended claim 8, cancelled claims 9-10 and 12-13 and added new claims 19-22. No new matter is added by the addition of these claims.

The Examiner has rejected claims 1, 4, 6-10, 12, and 13 as being anticipated by the website, www.sorc city.com, disclosed in the article "An auction with the buyer completely in charge" (Batz, Elizabeth. October 21, 1999. Purchasing).

A buyer signs up with the service online. Sorcity asks for detailed information and validates the company's DUNS number, addresses and phone number. The purpose of validating the potential buyers is to ensure that their requests are in the interest of creating a legitimate transaction. No money is required of the buyer to post a Request for Proposal (RFQ). Sellers pay the freight charges to participate in Sorcity and win business.

After registering, the buyer develops and submits the RFQ. The item as well as payment and delivery terms must be specified precisely (choosing specific attributes of a product, inputting quantity, inputting delivery specifications). A form online with detailed questions for the buyer to answer about the RFQ helps ensure the appropriate RFQ is written (providing a RFQ form). Sorcity sends automatic e-mail notifications to qualified seller members who sell products that match the RFQ (selecting suppliers to submit the RFQ, submitting RFQ to the supplier). After the time limit for bidding, as specified by the buyer (expiration

mechanism, calendar system), has passed, the three lowest bidders that meet or beat the buyer-specified threshold price are introduced to the buyer (comparing quotation from one supplier to others). After the buyer confirms the winning bid with Sorcity, the service collects a 2% a commission from the seller.

The article then states that the buyers and seller then exchange product and settlement independent of Sorcity. The article further states that Sorcity gets the RFQs to the right supply base and analyzes the bids correctly and presents the three closest bids.

Claim 1 requires that the buyer select suppliers to submit the request for quotation and then submits the quotation to those suppliers. The Sorcity process is a reverse auction where a buyer puts in his request and suppliers bid against each other to bring down the price. No where in Sorcity does the buyer select which suppliers he wants to submit the request for quotation to. Sorcity specifically determines the relevant supplier members to send the request for quotation to. Therefore, claim 1 is not anticipated nor obvious over Sorcity.

Regarding claim 4, for the reasons stated above for claim 1, claim 4 is not anticipated nor obvious over Sorcity.

Regarding claim 6, for the reasons stated above for claim 1, claim 4 is not anticipated nor obvious over Sorcity.

Regarding claim 7, claim 7 requires comparing the quotation from a supplier to quotations from other suppliers. The Sorcity system only gives the buyer the three lowest priced bids. It does not give the buyer an opportunity to

compare the quotations which have other elements besides price such as the type of product that is being offered. Therefore, claim 7 is not anticipated nor obvious over Sorcity.

Amended claim 8, requires that the database stores quotations from sellers and the system allows the buyer to compare the quotations. The Sorcity system only gives the buyer the three lowest priced bids. It does not give the buyer an opportunity to compare the quotations which have other elements besides price such as the type of product that is being offered. Therefore, claim 8 is not anticipated nor obvious over Sorcity.

Applicant has cancelled claims 9-10 and 12-13.

The Examiner has rejected claims 2, 3, 5, 11, 15, and 16 as being obvious over the website, www.sorcity.com, disclosed in the article "An auction with the buyer completely in charge" (Batz, Elizabeth. October 21, 1999. Purchasing), as applied in claim 1.

In specific reference to claims 2 and 5, Sorcity does not explicitly disclose communication with the buyer or seller via a wireless method.

However, Sorcity could have used any method of electronic communication to notify the buyer and seller of their success(es) in the RFQ process. Sorcity chose to apply e-mail, but it would have been obvious to utilize any available messaging service whether e-mail, telephone, or wireless-message-based in order to inform the parties of their respective success in the RFQ

process in order to reduce response time between the parties, thereby making the process more efficient.

Regarding claim 2, Sorcity does not disclose the use of a wireless method to notify the buyers or sellers. There is nothing in the article which would show that this method is of any interest to them. Further, for the reasons stated above regarding claim 1, claim 2 is not anticipated nor obvious over Sorcity.

Regarding claim 5, Sorcity does not disclose the use of a wireless method to notify the buyers or sellers. There is nothing in the article which would show that this method is of any interest to them. Further, for the reasons stated above regarding claim 1, claim 5 is not anticipated nor obvious over Sorcity.

In specific reference to claims 3 and 11, Sorcity does not explicitly disclose that the method has the supplier analyzes the quotation with a logistics database to provide a freight quote. The supplier's provision of a quote inherently comprises the calculation of freight costs, since the supplier pays for shipment [Page 58].

It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art. For example, simply automating the step of calculating the freight costs gives you just what you would expect from the manual step. In other words there is no enhancement found in the claimed step. The end result is the same as compared to the manual method. A logistics database can simply iterate the steps faster. It

therefore would have been obvious that the supplier uses some sort of equation, or automated calculation to determine the freight cost of a particular RFQ, to return a quote more quickly and efficiently.

Regarding claim 3, the present invention provides the use of a logistics database. In a system where time is of the essence in responding to a request for quotation, it is imperative to the seller to be able to provide a quotation as quickly as possible. Further, for the reasons stated above for claim 1, claim 3 is not anticipated nor obvious over Sorcity.

Regarding claim 11, the present invention provides the use of a logistics database. In a system where time is of the essence in responding to a request for quotation, it is imperative to the seller to be able to provide a quotation as quickly as possible. Further, for the reasons stated above for claim 8, claim 11 is not anticipated nor obvious over Sorcity.

In specific reference to claims 15 and 16, Sorcity does not explicitly disclose performing credit checks on a buyer for storing his/her credit profile. However, Sorcity does seek to validate the identity of the buyer in order to guarantee that the transaction requested is a legitimate one [Page 58]. Running a credit check on the potential buyer serves the same purpose as validating the buyer's contact information, i.e. guaranteeing that the transaction offered will be honored. Sorcity also stores a buyer's information, by requiring them to "sign up" and provide various pieces of information, so that the information can be easily accessed upon subsequent usage of the service.

It therefore would have been obvious to one skilled in the art at the time for Sorcity to run credit checks on the buyer and store the information retrieved in order to 1) ensure that the requested transaction can be legitimately fulfilled and 2) increase ease of use – in that the buyer does not have to resubmit their information every time they use the system.

Claim 15 requires that the system perform a credit check of a buyer.

Claim 16 requires that the system contain a database of buyer credit profiles.

The Sorcity system only requires that the buyer provide their address to verify the transaction. An address would only confirm to a seller where a bill has to be sent, not that the buyer is capable of paying the bill. Claims 15 and 16 give the seller assurance that the buyer is capable of paying the bill. For the reasons stated above, claims 15 and 16 are not anticipated nor obvious over Sorcity.

The Examiner has rejected claim 14 as being obvious over the website, www.sorcity.com, disclosed in the article "An auction with the buyer completely in charge" (Batz, Elizabeth. October 21, 1999. Purchasing), as applied in claim 1, in view of the article "What exactly is online procurement, and how can my business benefit?" (Louvat, Bernard et al. June 2000. Catalog Age) – hereinafter referred to as "Procurement".

Sorcity does not disclose providing a secure chat room for buyers and sellers to communicate in. "Procurement" teaches a number of websites that offer RFQ building systems which include community features, such as chat

rooms. The purpose of such features is to provide one-stop destinations for industrial or functional markets.

It would have been obvious to modify the service offered by Sorcity to include the ability for buyers and sellers to communicate in a secure chat room, as taught by "Procurement", in order to provide a more comprehensive, easy-to-use business-to-business marketplace.

Procurement states that for Vertical Marketplace websites, the system includes chat rooms. However, the section which speaks about procurement solutions does not discuss chat rooms. There is no reason to combine Procurement with Sorcity. Sorcity discusses a system that does all of the work between the buyer and seller. Sorcity would not wish buyers and sellers to discuss their arrangements outside of the Sorcity system in a secured chat room. Therefore, claim 14 is not obvious over Sorcity in view of Procurement.

The Examiner has rejected claims 17 and 18 as being obvious over the website, www.sorcity.com, disclosed in the article "An auction with the buyer completely in charge" (Batz, Elizabeth. October 21, 1999. Purchasing), as applied in claim 8, in view of the website, Metalsite.com, taught in the article "MetalSite Launches QuoteFinder; The Most Advanced RFQ on the Internet" (PR Newswire. September 5, 2000).

Sorcity does not explicitly disclose that the system maintains a list of previous sales or a searchable database of buyer/seller quote histories.

Metalsite teaches an internet-based RFQ system that provides access to order negotiation and sales histories as a great tool to expand the MetalSite's customer base.

It would have been obvious to modify the system of Sorcity to store and maintain order and sale histories, as taught by MetalSite, in order to expand Sorcity's customer base.

MetalSite launched Quotefinder on September 5, 2000 for sending and receiving a RFQ on the Internet. Quotefinder is an Internet-based RFQ service for metals that matches buyer RFQs with qualified sellers to save customers time and money. Quotefinder captures all RFQ data electronically and automatically generates a purchase order to complete the deal online. Information captured through Quotefinder will be utilized to provide customers with a complete history of all quotations for analyzing purchasing activity. Order negotiation history will be archived and accessible on Metalsite.

Sorcity is a reverse auction system and therefore would not be combined with MetalSite which is an RFQ system. Therefore, claims 17 and 18 are not obvious over Sorcity in view of MetalSite.

Applicant believes that claims 19-22 are not anticipated nor obvious over the above prior art.

Applicant believes that the application is now in condition for allowance.

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